

Re: FW: Environmental Equity and Air Permitting



Mary St-Peter to: Paul Koprowski

Cc: Ted Yackulic

08/12/2009 09:39 AM

Paul; Thanks. I am still trying to contact Running Grass and have not been able to. Judith Lee says he is busy until next week. This matter was raised by OTA as something that would adversely affect an EJ community and we are looking at using EJ money, so I think that should be confirmed. I cannot confirm that we have done an EJ analysis of the area to be affected. The states do their own mapping and we can look at the OR results too. Yes, ADR can be on its own "track" but we generally provide federal money or support in matters where EPA is a party or is affected. That is a question here and probably should have some management input. I'm not sure it has. I am covering for Ted Yackulic in his absence, so maybe he has information that I don't but I think this needs to be clarified, although that may not happen until next week.

Mercer

Mary (Mercer) St. Peter, Esq. Assistant Regional Counsel **Environmental Protection Agency** 1200 Sixth Avenue, Suite 900 (ORC-158) Seattle WA 98101 206-553-0240 st-peter.mary@epa.gov -----Paul Koprowski/R10/USEPA/US wrote: -----

To: Mary St-Peter/R10/USEPA/US@EPA From: Paul Koprowski/R10/USEPA/US

Date: 08/12/2009 08:42AM

Subject: Re: FW: Environmental Equity and Air Permitting

Hi Mercer.

I'm writing in response to your voice mail message. If anyone has done an EJ analysis it would have been Running Grass. I do not know if he actually completed one or not. None was shared with me or the Ops office. I know Merlyn is very concerned about how this will impact his permitting process. I know he thinks this is not an EJ issue. Monica Kirk reminded me this morning that the ADR process is on a separate path and not dependent on whether or not there is an EJ issue. If there is an EJ analysis I'd like to see it too. I'm sure our office director would like to see it as well. Rick Albright was briefed yesterday on the permitting issues and I heard he was going to bring it up at some sort of executive EJ team meeting today.

That's all I know. I hope it helps.

Paul

Mary St-Peter---08/10/2009 02:11:32 PM---Merlyn: Thank you for the information. We are looking into your question. Mercer

> Mary St-Peter/R10/U SEPA/US

To"Merlyn Hough" <merlyn@lrapa.org>

ccPaul Koprowski/R10/USEPA/US@EPA, Running

08/10/2009

Grass/R10/USEPA/US@EPA, Ted

02:05 PM

Yackulic/R10/USEPA/US@EPA, David Batson/DC/USEPA/US@EPA

SubjectRe: FW: Environmental Equity and Air Permitting

Merlyn: Thank you for the information. We are looking into your question.

Mercer

Mary (Mercer) St. Peter, Esq. Assistant Regional Counsel Environmental Protection Agency 1200 Sixth Avenue, Suite 900 (ORC-158) Seattle WA 98101 206-553-0240 st-peter.mary@epa.gov

"Merlyn Hough" ---08/10/2009 12:03:51 PM---Mary:

"Merlyn Hough" <merlyn@lrapa.or

08/10/2009 12:07

ToMary St-Peter/R10/USEPA/US@EPA

g>

ccTed Yackulic/R10/USEPA/US@EPA, Paul Koprowski/R10/USEPA/US@EPA, Running

PM

Grass/R10/USEPA/US@EPA

SubjectFW: Environmental Equity and Air Permitting

Mary:

Thank you for the conversation today, and thanks also to Ted for giving me the voice-message with your contact information in his absence. Here is my contact information as promised, as well as a few related e-mail conversations.

--- Merlyn

Merlyn L. Hough Director Lane Regional Air Protection Agency 1010 Main Street Springfield OR 97477

Phone: (541) 736-1056 x216



From: Merlyn Hough

Sent: Thursday, July 09, 2009 3:11 PM **To:** Grass.Running@epamail.epa.gov

Cc: Ruhl.Suzi@epa.gov; kirk.monica@epa.gov; yackulic.ted@epa.gov; Dalton.Deborah@epamail.epa.gov; 'Koprowski.Paul@epamail.epa.gov'

Subject: FW: Letter from Oregon Toxics Alliance

Running Grass:

Would you or Monica Kirk be available to discuss this project regarding potential environmental equity issues? Attached are a couple recent e-mail conversations on the subject.

I look forward to meeting you and discussing this with you!

--- Merlyn

Merlyn L. Hough Director Lane Regional Air Protection Agency 1010 Main Street Springfield OR 97477

Phone: (541) 736-1056 x216



From: Merlyn Hough

Sent: Thursday, July 09, 2009 2:57 PM

To: 'Koprowski.Paul@epamail.epa.gov'; 'Ginsburg.Andy@deq.state.or.us'

Cc: 'Collier.David@deq.state.or.us'; Sally Markos; Sandra Lopez

Subject: RE: Letter from Oregon Toxics Alliance

Paul:

Attached are some EJ conversations related to the Seneca proposed project.

--- Merlyn

From: Merlyn Hough

Sent: Thursday, July 09, 2009 2:53 PM

To: 'Koprowski.Paul@epamail.epa.gov'; Ginsburg.Andy@deg.state.or.us

Cc: Collier.David@deq.state.or.us; Sally Markos; Sandra Lopez

Subject: RE: Letter from Oregon Toxics Alliance

Paul:

I would be very interested in a presentation from Running Grass or Monica Kirk on environmental equity or environmental justice issues, or even on broader Title VI applications to environmental programs.

Would you be interested in our responses to EJ questions on this project?

--- Merlyn

Merlyn L. Hough Director Lane Regional Air Protection Agency 1010 Main Street Springfield OR 97477

Phone: (541) 736-1056 x216



From: Koprowski.Paul@epamail.epa.gov [mailto:Koprowski.Paul@epamail.epa.gov]

Sent: Thursday, July 09, 2009 1:53 PM **To:** Ginsburg.Andy@deq.state.or.us

Cc: Collier.David@deq.state.or.us; Merlyn Hough **Subject:** Letter from Oregon Toxics Alliance

Andy,

David and I talked yesterday about a letter from the Oregon Toxics Alliance regarding an environmental justice issue recently raised by the "alliance."

The "alliance" claims there are environmental justice issues that should affect the permitting of the Seneca Sawmill in Eugene. David thought you and others might want to know about EPA's response to the letter from the "alliance".

I talked with our EJ contact in Seattle, Running Grass, and he said he will brief his managers next week and they'll provide him with direction on the level of EPA response, if any. I asked him to keep me informed about the decision and any developments on a written response.

While talking with David it occurred to us that others at DEQ may be interested in Running Grass or Monica Kirk giving a short presentation on how and when a response is warranted. If you think it would be a useful to include a briefing in one of your management team meetings just let me know and I'll make

the arrangements.

Regards,

Paul

----- Message from "Merlyn Hough" <merlyn@lrapa.org> on Fri, 15 May 2009 18:00:20 -0700 ----To:"OMEALY Mikell"

<OMEALY.Mikell@deq.state.or.us>
cc:<lande.gregg@deq.state.or.us>,

"Sandra Lopez" <sandra@lrapa.org>

Subject: Mayor's Meeting Review

Mikell:

I thought the meeting went very well today. We covered many issues: energy, sustainability, forest practices, biomass utilization, air quality, health, and environmental justice. Lisa Arkin included environmental equity on her list of concerns and Gregg Lande offered DEQ assistance on EJ. But most of the discussion was on the other issues.

I believe Mayor Piercy got all of her questions answered. There were about 20 participants representing the various subject areas. I found it very educational.

The more I ponder the potential EJ issues, I don't believe they should be concerns on this project at this location. Here is a weblink to some of the key demographic maps of the region.

http://www.thempo.org/prog_proj/rtp/rtp_environ.cfm .

See maps 4, 5, 6 and 7 (poor, elderly, minorities, and disabled, respectively). The Seneca sawmill is located in the top left corner of each map, on the northeast side of the intersection of Airport Road and Highway 99.

And even if EJ was a potential problem it would be more appropriate to address it during the air pollution control strategy development (and/or rule adoption) rather than during a specific permit application review. Essentially the control strategy development did ensure EJ since the strategy was designed to provide air quality meeting health standards at all locations in the region by prescribed deadlines, thus protecting against disparate impacts or disparate treatment. And the PM10 control strategy was successful in meeting standards at all locations on schedule as illustrated in the attached graph.

Please give me a call if you would like more details. And thank you very much for the EJ information!

--- Merlyn

From: Merlyn Hough

Sent: Thursday, May 14, 2009 8:20 PM

To: OMEALY Mikell

Subject: RE: EJ information

Thanks, Mikell. This information is very helpful.

I look forward to recapping tomorrow's conversation with you!

--- Merlyn

Merlyn L. Hough Director Lane Regional Air Protection Agency 1010 Main Street Springfield OR 97477

Phone: (541) 736-1056 x216

From: OMEALY Mikell [mailto:OMEALY.Mikell@deq.state.or.us]

Sent: Thu 5/14/2009 5:44 PM

To: Merlyn Hough **Subject:** EJ information

Hello Merlyn,

It was good to talk with you today. Here are a few of the EJ resources I mentioned.

DEQ's new EJ web page: http://www.deq.state.or.us/about/envjustice.htm

Oregon's new EJ Task Force: _

http://governor.oregon.gov/Gov/GNRO/environmental justice.shtml

Text from DEQ's new internal web page on EJ. <<12.08.Q-Net EJ web page.doc>>

I hope it goes well tomorrow and I'll be interested to hear more.

Mikell

Mikell O'Mealy

Oregon Department of Environmental Quality

Economic Revitalization, Environmental Justice Coordinator, and Liaison to Tribal Nations

Phone: 503-229-6590

Email: mikell.omealy@state.or.us

---- Message from "Merlyn Hough" <merlyn@lrapa.org> on Fri, 19 Jun 2009 15:01:23 -0700 -----

To:<larkin@oregontoxics.org>

Subject: Environmental Justice

Lisa:

This is the e-mail I promised in my note to you when I stopped by OTA earlier today.

I read your article in the <u>Summer 2009 OTA Oregon Updater</u> entitled: "Why is the Eugene Biomass plant an environmental justice issue?" I was surprised by several of your conclusions. Are you available to discuss this issue in the next few days?

I don't consider myself a Title VI Civil Rights expert, but I have been alert to environmental equity issues for most of my career, and especially since the 1990s. During 1994-2005, much of my work involved cleanup of contaminated sites in western Oregon that posed health risks to the public. Many of these contaminated sites were located in low-income or minority communities. So I have been reasonably cognizant of environmental equity issues, and the Eugene biomass proposal does not appear to me to be an environmental justice conflict.

For example, the LCOG maps of local region demographics (_
http://www.thempo.org/prog_proj/rtp/rtp_environ.cfm) indicate good separation of the Seneca site
from the population areas of special equity concern . When I compare maps 4, 5, 6 and 7
(poor, elderly, minorities, and disabled, respectively) to the significant impact area of the
proposed biomass facility in Appendix I of the air permit application (_
http://www.oregontoxics.org/AQ/Seneca/Seneca-CogenApplication.pdf) I conclude that the
proposed facility is located in one of the best areas of the Eugene -Springfield UGB from an
environmental justice perspective. The Seneca sawmill is located in the top left corner of each
LCOG map, on the northeast side of the intersection of Airport Road and Highway 99.
The significant impact area (Appendix I, Figure 7) is located north of Clear Lake — Irving Road
between Hwy 99 and Prairie Road in an industrial area a considerable distance from any of the
demographic areas of special concern from an EJ perspective .

I look forward to discussing this with you. Environmental equity is important to me, so I am especially interested in your perspective and any information you have reviewed that I have not considered.

Thanks, Lisa.

--- Merlyn

Merlyn L. Hough Director Lane Regional Air Protection Agency 1010 Main Street Springfield OR 97477

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PM10 Trend in Eugene-Springfield-Cottage Grove 1985-2008.pdf